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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/967,210	09/28/2001	Karl Allen	042390P11781	7898

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James Y. Go
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025-1026

EXAMINER

HOSSAIN, TANIM M

ART UNIT

PAPER NUMBER

2145

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/967,210	Applicant(s) ALLEN, KARL	
	Examiner Tanim Hossain	Art Unit 2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/24/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claims 7 and 25 are objected to because of the following informalities: The claims in question contain grammatical errors. Claim 7 does not contain a conjugated verb, and claim 25 is likely meant to read: "comprising: processing..." Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wong (U.S. 6,260,021) in view of Shore (U.S. 2003/0149662).

As per claim 1, Wong teaches a method of transferring health-related information in real-time, the method comprising: generating health-related information at a healthcare device (column 3, line 60 – column 4, line 15); sending the health-related information from the healthcare device at a first end of a network pathway to a remote information site at a second end of the network pathway, the network pathway having a series of segments, each segment, immediately upon receipt, to prepare the health-related information with appropriate data for

reading at the next segment along the network pathway towards the second end of the network pathway (column 3, line 60 – column 4, line 15); and receiving the health-related information at the remote information site at the second end (column 4, lines 16-48). Wong does not specifically teach the generation of health-related information at a portable healthcare device. Shore teaches the uploading of health data onto a portable healthcare device, and transmitting it to a data repository (paragraph 0367). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the ability to send, from a remote portable device, medical information to a health-related repository, as taught by Shore in the system of Wong. The motivation for doing so lies in the fact that having the ability to add to the data repository would allow for the building of a larger knowledge-base, leading to further efficiency in the healthcare field. Both inventions are also from the same field of endeavor, namely the efficient transmittal of health information through a network.

As per claim 2, Wong-Shore teaches the method of claim 1, wherein the preparing of the health-related information includes removing the health-related information from a wrapper (Wong: column 11, line 65 – column 12, line 5).

As per claim 3, Wong teaches the method of claim 1, wherein the preparing of the health-related information includes placing the health-related information into a wrapper acceptable for reading at the next segment along the network pathway towards the remote information site (Wong: column 11, line 65 – column 12, line 5).

As per claim 4, Wong-Shore teaches the method of claim 1, wherein generating the health-related information at the portable healthcare device includes receiving health related

information from a user interface of the portable healthcare device (Wong: column 14, lines 1-23, Shore: 0367).

As per claim 5, Wong-Shore teaches the method of claim 1, wherein generating the health-related information at the portable healthcare device includes directly receiving the health-related information from a health-related information source connected to the portable healthcare device (Wong: 14; 1-23, Shore: 0367).

As per claim 6, Wong-Shore teaches the method of claim 1, wherein one segment in the network pathway is a network host having an interface to unwrap the health-related information and place the health-related information into a wrapper acceptable for reading at the next segment along the network pathway towards the second end (Wong: column 11, line 65 – column 12, line 5).

As per claim 7, Wong-Shore teaches the method of claim 6, wherein the network host to translate the health-related information from a user system protocol to a remote information site protocol (Wong: 14; 1-23).

As per claim 8, Wong-Shore teaches the method of claim 1, further including back-end processing of raw health-related information generated through an application running on the portable healthcare device (Wong: 13; 24-44).

As per claims 9 and 26, Wong-Shore teaches the recognition of raw health-related data, including digital signature and fingerprint recognition (Wong: 10; 28-47). Wong does not specifically teach retinal and vocal recognition. It would have been obvious to one of ordinary skill in the art at the time of the invention, in view of the concepts Wong does teach, to include the recognition of the retina and speech. Retinal and vocal scans are commonplace in security

measures, in addition to the aforementioned taught functions. The motivation for doing so lies in the fact that including this component allows for further versatility of Wong's invention.

As per claim 20, Wong-Shore teaches the computer accessible medium of claim 19, wherein the preparing of the health-related information includes removing the health-related information from a wrapper and wherein the sending of the health-related information is across a wireless portion of the network pathway for receipt at the portable healthcare device (Wong: column 11, line 65 – column 12, line 5; Shore: paragraph 0367).

Claims 15 and 22 are rejected on the same basis as claim 5.

Claims 18 are rejected on the same basis as claim 8.

Claims 14 and 19 are rejected on the same basis as claim 1.

As per claim 16, Wong-Shore teaches the system of claim 14, wherein the remote information site is an application service provider (Wong: 14; 1-23).

As per claims 17 and 21, Wong-Shore teaches the system of claim 14, further including a network host in the network pathway having an interface to unwrap the health-related information and place the health-related information into a wrapper acceptable for the next segment along the network pathway towards the remote information site (Wong: column 11, line 65 – column 12, line 5).

As per claim 23, Wong-Shore teaches the system of claim 19, wherein one segment in the network pathway is a network host having an interface to unwrap the health-related information and place the health-related information into a wrapper acceptable for reading at the next segment along the network pathway towards the second end (Wong: column 11, line 65 – column 12, line 5).

As per claim 24, Wong-Shore teaches the computer accessible medium of claim 19, wherein the network host is further to translate the health-related information from a remote information site protocol to a user system protocol or from a user system protocol to a remote information site protocol (Wong: 14; 1-23).

As per claim 25, Wong-Shore teaches the computer accessible medium of claim 19, wherein execution of the plurality of instructions further perform operations comprising: processing raw health-related information generated through an application running on the portable healthcare device (Wong: 13; 24-44).

As per claim 31, Wong-Shore teaches the method of claim 1, further comprising receiving health-related information at the portable healthcare device sent from the remote information site across the network pathway in response to a request for the health-related information from the portable healthcare device (Wong: column 11, line 65 – column 12, line 5; Shore: paragraph 0367).

As per claim 32, Wong-Shore teaches the method of claim 1, wherein health-related information includes at least one of a patient prescription, a laboratory service request, physician dictation regarding a patient or a medical insurance claim (Wong: column 11, line 65 – column 12, line 5; Shore: paragraph 0367).

As per claim 33, Wong-Shore teaches the system of claim 14, wherein the remote information site to send health-related information to the portable healthcare device across the network pathway in response to a request for the health-related information from the portable healthcare device (Wong: column 11, line 65 – column 12, line 5; Shore: paragraph 0367).

As per claim 34, Wong-Shore teaches the computer accessible medium of claim 19, wherein execution of the plurality of instructions by the machine further perform operations comprising: receive health-related information at the portable healthcare device sent from the remote information site across the network pathway in response to a request for the health-related information from the portable healthcare device (Wong: column 11, line 65 – column 12, line 5; Shore: paragraph 0367).

As per claim 35, Wong-Shore teaches the computer accessible medium of claim 19, wherein to generate the health-related information at the portable healthcare device includes directly receiving the health-related information from a health-related information source connected to the portable healthcare device (Wong: column 11, line 65 – column 12, line 5; Shore: paragraph 0367).

Response to Arguments

Applicant's arguments filed on August 24, 2005 have fully been considered and are respectfully traversed by the new grounds of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

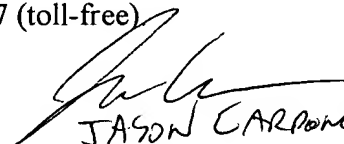
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tanim Hossain whose telephone number is 571/272-3881. The examiner can normally be reached on 8:30 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571/272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)

Tanim Hossain
Patent Examiner
Art Unit 2145


JASON CARDONE
SPE AU2145